

ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
DIANA S. ERB, ESQ.  
Nevada Bar No. 10580  
AKERMAN SENTERFITT LLP  
400 South Fourth Street, Suite 450  
Las Vegas, Nevada 89101  
Telephone: (702) 634-5000  
Facsimile: (702) 380-8572  
Email: ariel.stern@akerman.com  
Email: diana.erb@akerman.com

*Attorneys for Defendants  
BAC Home Loans Servicing, LP,  
ReconTrust Company, N.A., and Mortgage  
Electronic Registration System, Inc.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

S. BURKE SMITH,

Plaintiff,

vs.

COMMUNITY LENDING INC., a California corporation, PINE STAR MORTGAGE, WESTERN NEVADA TITLE COMPANY; RONDA PLAMONDON, individually; MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC., a subsidiary of MERSCORP, INC., a Delaware corporation, [MERS]; BAC HOME SERVICING, LP fka COUNTRYWIDE HOME LOANS SERVICING, LP, RECONTRUST COMPANY, N.A., FIRST AMERICAN NATIONAL DEFAULT, FIRST AMERICAN TITLE; and DOES 1-25 CORPORATIONS, DOES and ROES 1-25 individuals; [Partnerships, or anyone claiming any interest to the property described in the action.

Defendants.

Case No.: 3:10-cv-00651-RCJ-RAM

**ORDER CANCELING LIS PENDENS**

This Court issued an Order Granting Defendants' Motions to Dismiss on March 29, 2011 [Dkt. 26].

Defendants request that the lis pendens currently recorded against the subject properties by Plaintiff S. BURKE SMITH ("Plaintiff") be canceled.

The Court finds that Plaintiff recorded two Notices of Lis Pendens ("Lis Pendens") on or about July 9, 2010, as Instrument Nos. 415247 and 415249 in the real property records maintained

AKERMAN SENTERFITT LLP  
400 SOUTH FOURTH STREET, SUITE 450  
LAS VEGAS, NEVADA 89101  
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 by the Churchill County Recorder. A copy of the two Lis Pendens are attached hereto at **Exhibit A**  
2 and fully incorporated by reference.

3 UPON CONSIDERATION of Defendants' request to cancel the Lis Pendens, and good  
4 cause appearing therefore, the Court hereby grants Defendants their requested relief and rules as  
5 follows:

6 1. IT IS ORDERED, ADJUDGED, and DECREED that the two Lis Pendens are hereby  
7 cancelled, released, and expunged.

8 2. IT IS FURTHER ORDERED, ADJUDGED and DECREED that this order canceling  
9 the two Lis Pendens has the same effect as an expungement of the original Lis Pendens.

10 3. IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants record a  
11 properly certified copy of this cancellation order in the real property records of Churchill County,  
12 Nevada within a reasonable amount of time from the date of this order's issue.

13 APPROVED:

14   
15 UNITED STATES DISTRICT JUDGE

16 Dated: 04-01-2011

17 Submitted by:

18 **AKERMAN SENTERFITT LLP**

19 /s/ Diana S. Erb

20 ARIEL E. STERN, ESQ.

21 Nevada Bar No. 8276

22 DIANA S. ERB, ESQ.

23 Nevada Bar No. 10580

24 400 South Fourth Street, Suite 450

25 Las Vegas, Nevada 89101

26 *Attorneys for Defendants*

27 *BAC Home Loans Servicing, LP,*

28 *ReconTrust Company, N.A., and Mortgage*

*Electronic Registration System, Inc.*

AKERMAN SENTERFITT LLP

400 SOUTH FOURTH STREET, SUITE 450  
LAS VEGAS, NEVADA 89101  
TEL.: (702) 634-5000 - FAX: (702) 380-8572

## **EXHIBIT A**

DOC # 415247

07/09/2010 02:33 PM

Official Record

Recording requested By  
RICK LAWTON ESO

Churchill County - NV

Vicky Tripp - Recorder

Page 1 of 4 Fee: \$17.00

Recorded By: TH RPTT:



415247

The following Document contains no Personal  
Information as defined by NRS 603A.040

APN# 001 731 35

Recording Requested By:

Name RICK LAWTON, ESO

Address 5435 RED HWY

City/State/Zip FALLON, NV 89406

NOTICE OF LIS PENDENS

(Title of Document)

Grantor: \_\_\_\_\_

Grantee: \_\_\_\_\_

Being amended/rerecorded to

If legal description is a metes & bounds description furnish the following information:

Legal Description obtained from \_\_\_\_\_ (type of document); Book \_\_\_\_\_  
Page \_\_\_\_\_ Document # \_\_\_\_\_ recorded \_\_\_\_\_ (date) in the Churchill  
County Recorder office.

If Surveyor, please provide name and address.

This page added to provide additional information required by NRS 111.312 Sections 1-4.  
(Additional recording fee applies)

This cover page must be typed



415247

07/09/2010  
002 of 4Case No. 38952Dept. No. 2The undersigned declares that this  
Document does not contain any social security no.BY CINDY ANN  
LAWRENCE  
CLERKKELLY B. HERTON  
COUNTY CLERK

2010 JUN -8 PM 4:50

FILED

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CHURCHILL

S. BURKE SMITH,

*Plaintiff,*

vs.

COMMUNITY LENDING INC, a California corporation, COMMUNITY LENDING, dba PINESTAR MORTGAGE; KIM HAMPTON, individually; WESTERN NEVADA TITLE COMPANY; MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC., a subsidiary of MERSCORP, INC., a Delaware corporation, [MERS]; COUNTRYWIDE; US RECORDINGS, INC.; FIRST AMERICAN NATIONAL DEFAULT TITLE, CO; RECONTRUST COMPANY; BAC HOME LOANS SERVICING, LP; FIRST AMERICAN TITLE; THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2005-61 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-61; RONDA PLAMONDON individually; FIRST AMERICAN TITLE INSURANCE COMPANY; and DOES 1-25 CORPORATIONS, DOES and ROES 1-25 Individuals, [Partnerships, or anyone claiming any interest to the property described in the action.

*Defendants.*NOTICE OFLIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced



415247

07/09/2010  
003 of 4

1 TO QUIET TITLE in the above-entitled Court by the above-named Plaintiff against the  
2 above-named Defendants to quiet the title for the premises and real estate in the Complaint  
3 in said action, and hereinafter described, and to determine all and every claim, estate or  
4 interest therein of said Defendants, adverse to said Plaintiff, and the premises affected by this  
5 suit are situated in the County of Churchill, State of Nevada, and are more particularly  
6 described as follows:  
7

8  
9 The action pertains to the following described property:

10 A parcel of real property at issue is located in Churchill County, State of  
11 Nevada.

12 The Subject property being described as:

13 *Plaintiff: S.BURKE SMITH. a Married Man as his sole and*  
14 *separate property [hereinafter Borrower]:*

15 *578 Discovery Drive, Fallon, Nevada 89406*

16 *PARCEL C OF THE PARCEL MAP FOR CHURCHILL*  
17 *COUNTY SCHOOL DISTRICT RECORDED SEPTEMBER 15,*  
18 *1999 UNDER DOCUMENT NO. 324734, OFFICIAL RECORDS,*  
19 *CHURCHILL COUNTY, NEVADA.*

20 APN: 001 731 35

21 DATED: This 7 day of June, 2010.

22 RICK LAWTON, ESQUIRE  
23 Attorney at Law  
24 5435 Reno Hwy.  
25 Fallon, Nevada. 89406  
26

By   
RICK LAWTON, Esquire

DOC # 415249

07/09/2010

02:33 PM

**Official Record**

Recording requested By  
RICK LAWTON ESQ

Churchill County - NV

Vicky Tripp - Recorder

Page 1 of 4 Fee: \$17.00

Recorded By: TH RPTT:

The following Document contains no Personal  
Information as defined by NRS 603A.040

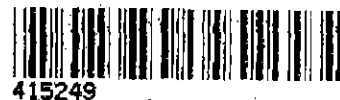
APN# 001 791 19

Recording Requested By:

Name RICK LAWTON, ESQ

Address 5435 Reno Hwy

City/State/Zip Fallon, NV 89406



NOTICE OF LIS PENDENS

(Title of Document)

Grantor: \_\_\_\_\_

Grantee: \_\_\_\_\_

Being amended/rerecorded to

If legal description is a metes & bounds description furnish the following information:

Legal Description obtained from \_\_\_\_\_ (type of document), Book \_\_\_\_\_  
Page \_\_\_\_\_ Document # \_\_\_\_\_ recorded \_\_\_\_\_ (date) in the Churchill  
County Recorder office.

If Surveyor, please provide name and address.

This page added to provide additional information required by NRS 111.312 Sections 1-4.  
(Additional recording fee applies)

This cover page must be typed



415249

07/09/2010  
002 of 4Case No. 35954Dept. No. 1The undersigned declares that this  
Document does not contain any social security no.

RYMCQUEENPUTY

KELLY B. HELTON  
COUNTY CLERK

2010 JUN -9 AM 8:55

FILED

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CHURCHILL

S. BURKE SMITH,

*Plaintiff,*

vs.

COMUNITY LENDING, INC., a California  
Corporation, PINE STAR MORTGAGE,  
WESTERN NEVADA TITLE COMPANY;  
RONDA PLAMONDON, individually;  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEM, INC., a subsidiary of MERSCORP,  
INC., a Delaware corporation, [MERS]; BAC  
HOME SERVICING, LP fka COUNTRYWIDE  
HOME LOANS SERVICING, LP,  
RECONTRUST COMPANY, N.A., FIRST  
AMERICAN NATIONAL DEFAULT, FIRST  
AMERICAN TITLE; and  
DOES 1-25 CORPORATIONS, DOES and  
ROES 1-25 Individuals, [Partnerships, or  
anyone claiming any interest to the property  
described in the action.*Defendants.*NOTICE OFLIS PENDENCENOTICE IS HEREBY GIVEN that an action has been commenced  
TO QUIET TITLE in the above-entitled Court by the above-named Plaintiff against the  
above-named Defendants to quiet the title for the premises and real estate in the Complaint  
in said action, and hereinafter described, and to determine all and every claim, estate or

COPY





415249

07/09/2010  
003 of 4

1 interest therein of said Defendants, adverse to said Plaintiffs, and the premises affected by  
2 this suit are situated in the County of Churchill, State of Nevada, and are more particularly  
3 described as follows:  
4

5 The action pertains to the following described property:

6 A parcel of real property at issue is located in Churchill County, State of  
7 Nevada.

8 The Subject property being described as:

9 Plaintiff: S.BURKE SMITH, a Married Man as his sole and  
10 separate property [hereinafter Borrower]:

11 751 No. Taylor Street, Fallon, Nevada 89406

12 All that real property situated in the County of Churchill, State of  
13 Nevada, described as follows:

14 LOT 2 AS SHOWN ON THE FINAL MAP OF FIELDS LANDING  
15 SUBDIVISION UNIT NO 5A RECORDED JUNE 15, 1995,  
16 UNDER DOCUMENT NO. 290519, OFFICIAL RECORDS OF  
17 CHURCHILL COUNTY, NEVADA.

18 APN: 001 791 19

19 DATED: This 7 day of June, 2010.

20 RICK LAWTON, ESQUIRE  
21 Attorney at Law  
22 5435 Reno Hwy.  
23 Fallon, Nevada 89406

24 By:   
25 RICK LAWTON, Esquire  
26